

Application Serial No. 10/564,463
Reply to Office Action dated December 16, 2008
Amendment dated March 16, 2009

REMARKS

This Amendment responds to the final Office Action mailed on December 16, 2008. Claims 8-28 are pending in the Application and claims 8-18 and 27 stand rejected. Claims 19-26 are allowed.

Applicant thanks the Examiner, Stephen M. Hepperle, for the courtesies extended to Applicant's representative, David W. Dorton, during the personal interview conducted March 12, 2009. During the interview, claims 8, 27, and 28 were discussed with respect to the references of record. The Examiner indicated that previously presented claim 28 is not disclosed by U.S. Patent No. 5,324,026 to Patterson, and that the amendments to claims 8 and 27 proposed by Applicant's representative would overcome the rejections based on Patterson '026. Claims 8 and 27 have been amended as discussed during the personal interview. Accordingly, Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

Claims Rejected under 35 U.S.C. §102

Claims 8-12, 14-15, and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Patterson (U.S. Patent No. 5,234,026). Claims 8 and 27 are the only independent claims of this rejected group, and each has been amended in accordance with the personal interview to recite that the piston rod is "movable relative to the valve." Applicant asserts that claims 8 and 27 are in condition for allowance because Patterson

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'026 fails to disclose a piston rod movable relative to a valve, as discussed during the personal interview.

Patterson '026 also fails to disclose a second partial volume that "expands when said valve moves from said open position to said closed position," as recited in claim 8, or "releasing the piston to move the valve into the closed position and to expand the portion of the second partial volume defined by the piston disk," as recited in claim 27. Rather, the second partial volume of Patterson '026 indicated by the Examiner (52, 58, 40, 53) is fixed and does not vary. For at least the reasons discussed above and during the personal interview, Applicant respectfully requests that the rejections of claims 8 and 27 be withdrawn.

Claims 9-12, 14, and 15 each depend from independent claim 8 and are in condition for allowance for at least the same reasons discussed above with respect to claim 8. Accordingly, Applicant respectfully requests that the rejections of claims 9-12, 14, and 15 also be withdrawn.

Claims Rejected under 35 U.S.C. §103

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patterson in view of Semon (U.S. Patent No. 3,643,683). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Patterson in view of Ono (U.S. Patent No. 5,159,952). Claim 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patterson. Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Patterson in view of Armstrong (U.S. Patent No.

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2,105,681). Claims 10, 11, 13, and 16-18 each depend from independent claim 8. Applicant asserts that these claims are in condition for allowance for at least the same reasons discussed above with respect to claim 8, and because Semon '683, Ono '952, and Armstrong '681 fail to cure the deficiencies of Patterson '026 discussed above. Accordingly, Applicant respectfully requests that the rejections of claims 10, 11, 13, and 16-18 also be withdrawn.

Previously added claim 28

Claim 28 was added in the amendment filed October 15, 2008, but was not substantively examined, as discussed during the person interview. Accordingly, Applicant respectfully requests withdrawal of the finality of the Office Action dated December 16, 2008, and consideration of claim 28.

Conclusion

In view of the personal interview and the foregoing amendments and remarks, Applicant believes this application is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

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Applicant believes that no fees are due in connection with this response.

However, if such petition is due or any additional fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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